

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:22-cv-0080-MMD-CSD

RICHARD JOHNSTON,
Plaintiff

Order

Re: ECF No. 5

v.

DR. MARTIN NAUGHTON,
Defendant

Plaintiff, who is a prisoner in custody of the Nevada Department of Corrections, has filed an application to proceed in forma pauperis (IFP) and civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 5.)

Chief District Judge Miranda M. Du screened Plaintiff's complaint and allowed him to proceed with an Eighth Amendment deliberate indifference to serious medical needs claim against Dr. Naughton. The claim is based on allegations that Plaintiff has repeatedly told Dr. Naughton about his extremely painful back condition and his need to have surgery to have his approved back stimulator put in, and his need for proper pain management. Plaintiff avers that Dr. Naughton has refused to provide Plaintiff either surgery or appropriate pain management, and as a result he suffers in pain daily, and has permanent spinal cord damage and neuropathy. (ECF No. 7.)

Plaintiff has filed a motion for preliminary injunction seeking an order that Dr. Naughton immediately arrange for Plaintiff to undergo back surgery and placement of the approved stimulator, and to provide him with adequate pain management. (ECF No. 5.)

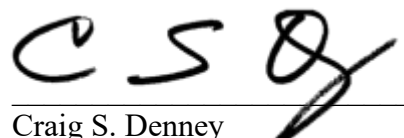
1 Within **14 days** of the date of this Order, the Attorney General's Office shall advise the
2 court whether it will enter a limited notice of appearance on behalf of Defendants for the purpose
3 of responding to Plaintiff's motion for preliminary injunction. If the Attorney General's Office is
4 willing to enter a limited notice of appearance, then also within **14 days** of the date of this Order,
5 the Attorney General's Office shall file a response to Plaintiff's motion. The Attorney General's
6 Office shall file under seal any **relevant** medical records. Plaintiff may kite the warden's office
7 to review any records filed under seal, and the Attorney General's Office shall ensure that
8 Plaintiff is given a reasonable amount of time to review these records. Plaintiff will have **seven**
9 **days** from the date the response is filed to file a reply brief. The court will then determine
10 whether to hold a hearing or issue a report and recommendation to District Judge Du without a
11 hearing.

12 The Clerk of Court shall electronically serve a copy of this Order, a copy of Plaintiff's
13 complaint (ECF No. 8), a copy of the order screening the complaint (ECF No. 7), as well as a
14 copy of Plaintiff's motion for preliminary injunction (ECF No. 5) on the Nevada Attorney
15 General's Office by adding the Nevada Attorney General's Office to the docket sheet. This will
16 not constitute a general appearance.

17 Plaintiff is advised that there is still a stay entered in this case while the parties participate
18 in the court's early mediation program. As such, Plaintiff shall not file any other documents with
19 the court while the stay is in place except for his reply brief as directed in this Order.

20 **IT IS SO ORDERED.**

21 Dated: March 3, 2022

22 
23 Craig S. Denney
United States Magistrate Judge